

Community Participation Committee
Report to the World Trade Center Expert
Technical Review Panel

Presented by
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Monday, November 15, 2004

This presentation is the result of a
Community Meeting held on
Wednesday, November 10 , 2004

Marcia Pinkett-Heller, an expert in
Community-Based Participatory Research
(CBPR), helped facilitate the meeting.

Presentation Overview

- Activities since October Panel Meeting:
CBPR Progress Report
- Community Concerns
 - Process
 - Sampling Proposal
 - Unmet Public Health Needs
 - 7 Principles: Community/Labor Endorsements

Activities since October 2004 Panel Meeting: CBPR Progress Report

- CBPR Facilitator: Marcia Pinkett-Heller's final meeting was 11/10/04.
- EPA (Dr. Paul Gilman & Lisa Matthews) attended the Community's Monthly Community Meeting held Wednesday, November 10th.
- WTC Community Facilitator Outreach Assistant: waiting to hear back from SRA.
- Request for names of experts in demolition of highly contaminated high-rise buildings in densely populated urban environments
 - EPA's Response: unable to assist.
- EPA's Proposed Monitoring Program to Determine Extent of WTC Impact (10/15/04).
- Technical Consultants: have submitted two of our choices for technical experts to SRA, and expect to submit additional names this week.

Community Concerns: Process

- Continue to try to work with EPA and SRA on implementing CBPR.
- EPA posted sampling plan (10/15/04 version) in the Federal Register (10/20/04) with 30-day comment period (ending 11/19/04).
 - Community specifically expressed concern (10/05/04 meeting) that EPA does not publish plan until the community has a chance to agree on a joint product.
 - Request that Community Technical Consultants have an opportunity to respond to the latest version. Dr. Gilman agreed to a 45-day extension (01/03/05) at 11/10/04 meeting so that there is time to submit comments from the technical consultants which will determine community's final response to this "living document."

Community Concerns: Process

(continued)

- EPA was asked by Community to endorse the 7 principles presented (10/05 meeting) by 10/31/04. These points were based on the 04/27/04 memo sent to panel members.
 - This did not happen -- nor are the all the principles related to the latest sampling program included in EPA's latest version.
- Concern about how this panel and the implementation of the sampling plan will be impacted by the Panel's Chair Dr. Gilman departure 11/30/04 (resigned 11/04/04).
- Transcript of meetings: an on-line digital tape recording is not a substitute. And for the 8th time at these public meetings, we are now waiting for a response to our request for transcripts.

Proposed Sampling Program

- Title
- Objectives
- Sampling Design
- Sampling Methodology
- Contaminants of Potential Concern
- Signature
- Background Levels
- Sampling Scope
- Triggers for Action (clean-up)
- Participation

Proposed Sampling Program: Title

- The title “Draft Proposed Sampling Program to Determine Extent of World Trade Center Impacts to the Indoor Environment” needs to be changed to “Draft Proposed Sampling Program to Determine Remaining Indoor World Trade Center Contamination Three Years After 9/11.”

Proposed Sampling Program: Objectives

- Add a fourth objective
 - To identify indoor spaces impacted by WTC contaminants, evaluate the need for cleanup, and provide cleanup where warranted in presence of signature if validated and without signature if not validated.

Proposed Sampling Program: Sampling Design

- How many samples per unit?
- Location of samples
 - 3 types (frequently cleaned, infrequently cleaned and inaccessible)
 - Include dust sampling of window wells as location of testing (page 5)
 - Include “dead spots” in HVAC systems

Proposed Sampling Program: Sampling Design (continued)

- Implementation Questions
 - If a unit is tested and found to be contaminated, does that finding trigger a full building assessment? Will the occupants of the rest of the units be notified that WTC COPCs were found and will the other residents or workers be given an opportunity to have their units tested?
 - If one or more units is found to be contaminated, does that trigger a whole building cleanup?
 - What does a whole building cleanup consist of? Will it include cleaning all habitable spaces? All common areas? All components of the mechanical ventilation system?
 - If a building is found to be contaminated, will that building alone be cleaned? Will testing commence to determine levels of contamination in surrounding buildings? Or alternatively, will the sampling program be used to define a cleanup zone?
 - Sharing of information: will “exceedances” be reported to occupants? To neighbors? To co-workers? To maintenance workers? To the public?
- Clarify EPA’s right under 40 CFR 300.400(d) and other federal statutes to access to public and private property to collect public health information and to remove hazardous materials.

Proposed Sampling Program: Sampling Methodology

- Nilfisk GS-80 vacuum cleaner will catch only particulate matter with aerodynamic diameters of approximately 5-micrometers and larger (page 23). Clarify how this will impact particles collected, specifically with regard to smaller particles and to particles with adsorbed substances.
- Clarify what size of asbestos will be counted and reported: Why not all fibers?
- Clarify why we are also not using wipe sampling for hard surfaces for asbestos, MMVF & crystalline silica -- instead of limiting testing to microvacuuming.
- Clarify what is the Margin of Error in microvac vs. HEPA vacuuming?
- Work with community so that there is a truly spatially balanced and geographically representative approach to building selection (hypothetical outcome on page 17 doesn't currently reflect that).

Proposed Sampling Program: Contaminants of Potential Concern (COPCs)

- Community is considering other COPCs.

Proposed Sampling Program: Signature

- Clarification on what materials might be used as signature (“From preliminary work, the materials that *might* be used as a signature include a variety of synthetic vitreous fiber types *possibly* in combination with concrete and/or gypsum.” page 13).
- Clarify and specify objective criteria to be met for scientific validation of signature.
- Clarify and specify objective criteria to be met to determine presence or absence of signature in tested residences and workplaces.
- Signature testing in conjunction with COPCs testing.
- Clean-up if a COPC is present above trigger, even if WTC signature is not present.

Proposed Sampling Program: Background levels

- Clarification of how background benchmark will be determined for asbestos, MMVF and Crystalline silica – which study?

Proposed Sampling Program: Sampling Scope

- Phase I sampling needs to include Brooklyn.

Proposed Sampling Program: Triggers for action (clean-up)

- National Priority List standard, three times background level, is designed for unoccupied spaces. Therefore, this is inappropriate since sampling will be performed in places where people live and work. Some people live and work in the same space downtown.

Proposed Sampling Program: Participation

- Current program leaves the decision about whether a workplace will be tested up to the employer. If an employee wants testing done in the workplace, the employer should not have veto power over the employees' right to know whether their workplace is safe. The same is for residents.
- Participants need commitment for comprehensive clean-up if WTC COPCs are found.

Community Concerns: Unmet Public Health Needs (On-going)

- 9/11 related clean-up, demolition and construction
 - Deutsche Bank Building Demolition (130 Liberty Street)
 - Fiterman Hall Demolition (30 West Broadway)
 - 130 Cedar Street Clean-up (or Demolition ?)
- We request again that the EPA WTC Expert Technical Review Panel, in its advisory role to EPA, address these concerns. Thousands of people live and work within three blocks of these buildings. We request that a presentation be made to this Panel on the status of these buildings at the December 2004 panel meeting. We ask the panel to insist that EPA, with its mandate to protect the public health from environmental pollutants, meet its legal and moral obligation to make sure that the surrounding area is not recontaminated with the WTC-related hazardous substances remaining in these buildings.

Letter sent to Leavitt (10/26/04)

The lower Manhattan and Brooklyn communities, both residents and workers, have, for three years, called on EPA to clean up the contaminants left behind by the terrorist attacks of September 11, 2001. For three years, EPA has been unresponsive to the appeals of our communities, our political representatives, and EPA's own Inspector General. For the last eight months, lower Manhattan and Brooklyn residents and workers have worked, in good faith, as closely with the EPA WTC Technical Expert Review Panel as we have been permitted to do. We appreciate the efforts of panel members and we hope to be able to continue working with the panel.

Nevertheless, eight months after this panel began its work, no additional environmental testing or clean-up has been conducted. Our children, our neighbors, our co-workers, and our firefighters continue to live with the uncertainty of possible exposure and unnecessary risk. After three years of delay by EPA and eight months of work by this panel, EPA has yet to make a public commitment to testing and decontamination.

We therefore call upon EPA, by the end of October 2004, to publicly commit itself in a written statement released at a press conference presided over by an official EPA spokesperson to the following seven principles:

7 Principles

1. EPA will conduct, with appropriate input from the community, comprehensive indoor environmental testing for multiple contaminants. The testing will occur as promptly as possible.
2. EPA will expand the geographic range of the testing from its original boundaries to include, at a minimum, additional southern Manhattan communities, including all of Chinatown, and also the neighborhoods in Brooklyn impacted by World Trade Center dust.
3. EPA will test both residences and workplaces. Landlords, residents, employers, and employees will all be given the option of volunteering to have their respective buildings, residences, and workplaces tested.
4. EPA testing will include mechanical ventilation systems.

7 Principles

(continued)

5. Where test results warrant, EPA will decontaminate not only the tested buildings but the neighborhoods affected by 9/11 contaminants. The clean-up clearance criterion for each identified contaminant will be based upon consideration of health-based benchmarks and background levels, utilizing the criterion that is more protective.
6. EPA will, with appropriate community input, take the lead role in supervising the environmental safety of all 9/11-related clean-up, demolition, and reconstruction activities.
7. As EPA evaluates unmet health needs resulting from the attacks, it will support all necessary national and local efforts to ensure public health education, outreach, and long-term medical follow-up for affected communities and to ensure medical care for affected individuals.

This statement of principles is endorsed by the following community, residential, tenant, religious, disaster recovery, social service, environmental, small business and labor organizations and businesses:

Endorsers

As of 10/29/04:

- Manhattan Community Board One (by resolution)
- 9/11 Environmental Action (residents and school parents organization)
- Asian American Legal Defense and Education Fund (AALDEF)
- Association of Legal Aid Attorneys, UAW 2325, AFL-CIO
- Battery Park City United
- Candy World (small business)
- Chinese Progressive Association
- Citizens Environmental Coalition (CEC)
- Civil Service Employees Association (CSEA)
- Communications Workers of America (CWA), District 1

Endorsers (continued)

- Communications Workers of America (CWA), Local 1180
- District Council 37, AFSCME
- Duane Street Block Association
- Essex World Cafe (small business)
- Family Association of Tribeca East (FATE)
- Fiscal Policy Institute
- Good Jobs New York
- Good Old Lower East Side (GOLES)
- Greater NY Labor and Religion Coalition
- Independence Plaza North Tenants Association (IPNTA)

Endorsers (continued)

- Investor Data Services (small business)
- Little Italy Neighbors Association (LINA)
- Manhattan Trustee Rudy Sanfilippo, Uniformed Firefighters Association
- Met Council on Housing
- National Postal Mail Handlers Union, Local 300
- National Treasury Employees Union, Chapter 293
- New Jersey Work Environment Council
- New York City Coalition to End Lead Poisoning (NYCCELP)
- New York Committee for Occupational Safety and Health (NYCOSH)
- New York Disaster Interfaith Services (NYDIS)

Endorsers (continued)

- New York Environmental Law & Justice Project (NYELJP)
- New York From the Ground Up (represents 600 small businesses in the WTC area)
- New York State Public Employees Federation (PEF)
- Organization of Staff Analysts (OSA)
- Parents Association of Stuyvesant High School
- Physicians for Social Responsibility - New York City
- Pop Filter Music (small business)
- Professional Staff Congress (PSC)
- Puerto Rican Legal Defense and Education Fund (PRLDEF)
- Rebuild with a Spotlight on the Poor Coalition (represents 20 community-based organizations)

Endorsers (continued)

- Residents of 125 Cedar Street
- Sierra Club
- Sierra Club - Fairfield County Group (Connecticut)
- Tenants and Neighbors
- The 2M Corporation (small business)
- Transport Workers Union (TWU), Local 100
- Uniformed Fire Officers Association
- United Federation of Teachers
- University Settlement
- Worthy Eyes (small business)
- WTC Residents Coalition (represents 30,000 Battery Park City residents)